

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

TINA HERNANDEZ

v.

WAL-MART STORES TEXAS, LLC

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Civil Action No. 4:15-CV-00415  
(Judge Mazzant/Judge Nowak)

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On June 1, 2016, the report of the Magistrate Judge (Dkt. #25) was entered containing proposed findings of fact and recommendations that Defendant's Motion for Sanctions for Failure to Appear at Court Ordered Deposition (Dkt. #21) be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant's Motion for Sanctions for Failure to Appear at Court Ordered Deposition (Dkt. # 21) is **GRANTED IN PART AND DENIED IN PART**. Defendant's request for sanctions and/or attorney's fees under Rule 37 is **DENIED**. Plaintiff's claims are **DISMISSED** without prejudice under Rule 41(b).

All relief not previously granted is **DENIED**. The Clerk is directed to **CLOSE** this civil action.

**IT IS SO ORDERED.**

**SIGNED this 28th day of June, 2016.**

A handwritten signature in black ink, reading "Amos Mazzant". The signature is written in a cursive, flowing style. The first name "Amos" is written with a large, looped 'A'. The last name "Mazzant" is written with a large, looped 'M' and a trailing flourish.

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AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE